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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/592,791	06/13/2000	Keita Watanabe	3542-0104P	7997
2292	7590	04/06/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			FAULK, DEVONA E	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/592,791	WATANABE, KEITA	
	Examiner	Art Unit	
	Devona E. Faulk	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 January 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 3-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 3-11 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 6/13/2000 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
- 5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

DETAILED ACTION

Response to Remarks

1. Applicant's remarks filed 1/19/2006 have been fully considered. The applicant amended claim 11 and overcome the 112 1st and 2nd rejections.
2. There was no art rejection in the previous action because the examiner could not find art that read on "a battery detachably attached in the recess in the case so as to be upwardly projected from the recess at an upper portion of the battery". This claim language was the basis for the 112 1st and 2nd rejection.
3. The examiner submitted a proposed amendment to the applicant's representative to put independent claim 11 in allowable form but it was rejected by the applicant.
4. Upon further search the examiner has found art to read on amended claim 11.
5. Claims 1-2 are cancelled.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 3,5 and 11** are rejected under 35 U.S.C. 102(b) as being anticipated by Komiya (US 4,276,627).

Regarding **claim 11**, Komiya discloses a sound generator (2, Figure 2 and Figure 4) for a portable device (watch) comprising:

a case having a circular recess in a top portion (15, figures 2 and 4; column 1, lines 48-52);
a sound generating device mounted in the case (112, vibrator);
a battery resiliently held in the recess of the case (18, figure 4);
terminals provided on the case (17a', 122, 123, 124, Figures 2 and 4; column 2, lines 42-45 and 50-60);

a pair of leads connecting a pair of electrodes of the battery with the terminals (121, 132, Figures 2 and 4; column 2, lines 40-45 and 58-62);

Regarding **claim 3**, Komiyama disclose wherein each of the leads comprises a contact plate contacted with the corresponding electrode (121, 132, Figure 2).

Regarding **claim 5**, Komiyama discloses wherein the battery is a disc type batter, and has an upper electrode and lower electrode (Figures 2 and 4).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 4,6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Komiyama (US 4,276,627) in view of Ganter et al. (US 4,004,409).

Regarding **claim 4**, Komiyama discloses a sound generator (vibrator).

Komiyama fails to disclose explicitly that the sound generator is a buzzer. Ganter discloses wherein the sound generating device is a buzzer (Abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Komiyama to have the sound generator be a buzzer as taught by Ganter in order to have an alternative way of producing sound.

Regarding **claim 6**, Komiyama as modified by Ganter discloses wherein the terminals comprises a pair of terminals for applying voltage from the control circuit to the buzzer for operating it (Komiyama, control circuit is L.S.I. chip 18; column 3, lines 11-25).

11. **Claims 7-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Komiyama (US 4,276,627) in view of Pasquier (US 4,511,260).

Regarding **claim 7**, Komiyama discloses a contact plate contacted with an upper electrode (132). Komiyama fails to disclose explicitly that the contact plate is made of a resilient metal plate. Komiyama teaches of 123d being resiliently made (column 3, lines 10-11). Pasquier discloses wherein a contact plate is made of a resilient metal plate. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Komiyama by making the contact plate from a resilient metal plate in order to be able to maintain the connection.

Regarding **claim 8**, Komiyama as modified by Pasquier discloses wherein the battery is held by the contact plate engaged with the upper electrode (Komiyama, 132, Figure 2).

Regarding **claim 9**, Komiyama as modified by Pasquier discloses wherein the contact plate holding the battery is offset (Komiyama, Figure 2, 132).

Regarding **claim 10**, Komiyama as modified by Pasquier discloses wherein each of the terminals comprises a flat metal plate so as to be mounted on a printed circuit substrate (Komiyama; column 2, lines 50-60; column 3, lines 3-7).

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devona E. Faulk whose telephone number is 571-272-7515. The examiner can normally be reached on 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848.

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2644. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DEF



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